

OFFICE OF THE MONITOR

NUNEZ, ET AL. V. CITY OF NEW YORK, ET AL.

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December 3, 2024

VIA ECF

The Honorable Chief Judge Laura Taylor Swain
United States District Court
Southern District of New York
500 Pearl Street
New York, NY 10006

Re: Nunez, et al. v. City of New York, et al., 11-cv-5845 (LTS) (JCF)

Dear Chief Judge Swain,

We write to respectfully submit a proposed order to file the Monitor's next report on April 25, 2025 regarding the compliance assessment of select provisions from the Consent Judgment and First Remedial Order covering the period of July 1 to December 31, 2024. For the reasons outlined in the Monitor's November 22, 2024 report at pg. 193, the Monitoring Team respectfully requests the Court enter the attached order.¹ The Monitoring Team has consulted with all Parties and they have reported that they do not object to the entry of this order.

¹ A copy of the proposed order was submitted with the Monitor's November 22, 2024 Report (dkt. 802) as Appendix H. The proposed order attached to this letter is the same order that was attached to the Monitor's November 22, 2024 Report except that the date of filing the April 2025 Report was changed from April 17 to April 25, 2025.

We further wish to advise the Court that the Monitoring Team intends to update the Court on the work regarding LL42 on January 31, 2025 instead of January 17, 2025.² The additional time to provide the update on LL42 is necessary given the Court's November 27, 2024 Order which directs the Monitoring Team to submit a report on January 14, 2025 regarding remedial relief.

We appreciate the Court's attention to these matters.

Sincerely,

s/ Steve J. Martin

Steve J. Martin, *Monitor*

Anna E. Friedberg, *Deputy Monitor*

² See Monitor's November 22, 2024 Report (dkt. 802) at pgs. 36 to 40 and 193.

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

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-	:	
	:	
MARK NUNEZ, et al.,	:	
	:	
Plaintiffs,	:	
	:	
- against -	:	
	:	
CITY OF NEW YORK, et al.,	:	
	:	
Defendants.	:	11 Civ. 5845 (LTS)(JCF)
	X	
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-	:	
UNITED STATES OF AMERICA,	:	
	:	
Plaintiff-Intervenor,	:	
	:	
- against -	:	
	:	
CITY OF NEW YORK and NEW YORK CITY	:	
DEPARTMENT OF CORRECTION,	:	
	:	
Defendants.	:	
-----	X	
-	:	

[PROPOSED] ORDER

1. Monitor's Compliance Assessment - Modification to § G, ¶5(b) of the Action Plan: The Action Plan, § G, ¶ 5(b) shall be modified to include the language in bold below:

Given the Monitor's findings in the Monitor's March 16, 2022 Special Report, (pages 63 to 65), and subsequent reports on **October 27, 2022, February 3, 2023, April 3, 2023, April 24, 2023, May 26, 2023, June 8, 2023, July 10, 2023, August 7, 2023, October 5, 2023, November 8, 2023, November 30, 2023, December 8, 2023, December 22, 2023, February 26, 2024, April 18, 2024, and November 22, 2024** the Monitor's assignment of compliance ratings for each provision of the Consent Judgment (required by § XX, ¶ 18 of the Consent Judgment) and the First Remedial Order are suspended for the time period covering January 1, 2022 to **December 31, 2024**, except for those provisions incorporated into this Order and the provisions listed below (collectively "select group of provisions").

- i. The Monitor shall assign compliance ratings, required by § XX, ¶ 18 of the Consent Judgment, for the following provisions from the Consent Judgment and the First Remedial Order:

1. Consent Judgment § IV. (Use of Force Policy), ¶ 1;
2. Consent Judgment § V. (Use of Force Reporting & Tracking), ¶¶ 2 & 22;
3. Consent Judgment § VII. (Use of Force Investigations), ¶¶ 1 & 9(a);
4. Consent Judgment § VIII. (Staff Discipline and Accountability), ¶¶ 1, 3(c) & 4;
5. Consent Judgment § X. (Risk Management) ¶ 1;
6. Consent Judgment § XII. (Screening and Assignment of Staff), ¶¶ 1 to 3;
7. Consent Judgment § XV. (Safety and Supervision of Inmates Under the Age of 19), ¶ 1, 12 and 17;

8. First Remedial Order § A. (Initiatives to Enhance Safe Custody Management, Improve Staff Supervision, and Reduce Unnecessary Use of Force), ¶¶ 1 to 4, & 6; and
9. First Remedial Order § C. (Timely, Appropriate, and Meaningful Staff Accountability), ¶¶ 1, 2, 4 & 5.

2. Monitor's Report: The Monitor shall file the following report:

- a. *April 25, 2025*: This report will include compliance ratings for the select group of provisions of the *Nunez* Court Orders for the period July 1, 2024 to December 31, 2024, pursuant to Action Plan, § G, ¶ 5(b) as modified by this Order. This report will also include a discussion of the current state of affairs and the ongoing work related to the *Nunez* Court's Orders.

SO ORDERED this ____ day of _____, 2024

LAURA TAYLOR SWAIN
Chief United States District Judge